

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Armed Forces Bank, N.A.,
5 Plaintiff

6 v.

7 DFA, LLC, et al.,
8 Defendants

Case No.: 2:13-cv-1996-JAD-CWH

Order Re: Docs. 45, 54

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10 For the reasons stated on the record during the May 18, 2015, hearing, and with good cause
11 appearing and no reason to delay,

12 It is HEREBY ORDERED that defendants' Motion for Summary Judgment [**Doc. 45**] is
13 **DENIED**.

14 It is FURTHER ORDERED, ADJUDGED, AND DECLARED that plaintiff's Motion for
15 Summary Judgment [**Doc. 54**] is **GRANTED** in part and **DENIED** in part:

16 1. It is **GRANTED** as to liability and damages against DFA, LLC for breach of the June
17 29, 2007, Loan Agreement ("Nevada Loan"); the August 1, 2007, Loan Agreement ("California
18 Loan"); and the February 4, 2008, Loan Agreement ("Arizona Loan"). **Judgment is entered** in
19 favor of Armed Forces and against DFA in the following amounts: \$498,281.21 on the Nevada
20 Loan; \$200,264.74 on the California Loan; and \$1,601,383.99 on the Arizona Loan.

21 2. It is further **GRANTED** as to liability and damages against Don F. Ahern,
22 individually and as Trustee of the DFA Separate Property Trust Dated July 7, 1997 ("Guarantor")
23 with respect to his breach of the guaranty for the Arizona Loan. Judgment is entered in favor of
24 Armed Forces and against Guarantor in the amount of \$1,601,383.99 on the Arizona Loan.
25 Guarantor and DFA are jointly and severally liable for satisfaction of this amount.

26 3. It is further **GRANTED** as to liability of the Guarantor for breach of the guaranties
27 for the Nevada and California Loans.

28 4. It is **DENIED** in all other respects.

1 5. The Clerk of Court shall enter judgment accordingly.

2 It is FURTHER ORDERED that the parties shall participate in good faith in a settlement
3 conference before a Magistrate Judge.

4 If no settlement of the outstanding issues is reached, it is FURTHER ORDERED that the
5 court will conduct a **bench trial on September 28, 2015**, on the issue of the fair market value of the
6 California and Nevada properties, for the sole purpose of establishing the amount of the judgment to
7 be entered against the Guarantor for breach of the guaranties related to the California and Nevada
8 loans. *See* NRS 40.459(1)(a)-(b) (requiring the court to “award a money judgment against the . . .
9 guarantor” equal to the indebtedness minus the greater of the sale amount or fair market value at the
10 foreclosure sale). The parties shall submit trial briefs by September 13, 2015, not to exceed 15
11 pages each, and containing a statement of the party’s position, a witness list, and an exhibit list. The
12 parties are encouraged to stipulated to the admissibility of as many exhibits as possible to save time
13 and expense.

14 DATED: May 19, 2015.

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17 Jennifer A. Dorsey
18 United States District Judge
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